

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
September 2, 2026 Session¹

FILED

10/07/2026

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. JAMES COURTNEY SHANE

Appeal from the Circuit Court for Weakley County
No. 2024-CR-136 Jeff Parham, Judge

No. W2026-00026-CCA-R3-CD

This is a probation violation matter wherein Defendant, James Courtney Shane, appeals both the determination of a violation and the determination of a full revocation consequence. In April 2025, Defendant pled guilty to one count of abuse of an elderly or vulnerable adult and one count of aggravated assault. The trial court imposed an effective eight-year sentence and placed Defendant on supervised probation. Within two months Defendant was arrested on a new felony charge. The trial court subsequently revoked Defendant's probation in full and ordered him to serve the remainder of his sentence in confinement. On appeal, Defendant argues (1) the probation violation warrant was invalid because the corresponding affidavit contained procedural errors, (2) the trial court erred by admitting a TBI lab report without making the proper hearsay findings of good cause and reliability, and (3) the trial court failed to make the appropriate findings in its consequence determination pursuant to *State v. Dagnan*, 641 S.W.3d 751 (Tenn. 2022). Defendant waived his first issue during oral argument. After review, we conclude the admission of the TBI lab report was error, but the error was harmless beyond a reasonable doubt. We also conclude the record is not sufficiently developed for this Court to conduct a meaningful review of the consequence determination. We, therefore, vacate the revocation orders and remand the case to the trial court for further findings.

Tenn. R. App. P. 3 Appeal as of Right;
Judgment of the Circuit Court Affirmed in Part and Vacated in Part;
Case Remanded

TIMOTHY L. EASTER, J., delivered the opinion of the court, in which J. ROSS DYER and TOM GREENHOLTZ, JJ., joined.

¹ Oral argument was heard in this case at the University of Memphis, Cecil C. Humphreys School of Law, Memphis, Tennessee.

Martin Dunn, Dresden, Tennessee, for the appellant, James Courtney Shane.

Jonathan Skrmetti, Attorney General and Reporter; Benjamin Barker, Assistant Attorney General; Colin Johnson, District Attorney General; and Kate Bynum, Assistant District Attorney General, for the appellee, State of Tennessee.

OPINION

On September 3, 2024, Defendant was indicted by a Weakley County Grand Jury on seven charges: two counts of abuse or an elderly or vulnerable adult, two counts of criminal trespass, one count of domestic assault, one count of aggravated assault, and one count of aggravated burglary. On April 11, 2025, Defendant pled guilty to one count of abuse of an elderly or vulnerable adult and one count aggravated assault. The remaining counts were dismissed. He was sentenced to an effective eight-year sentence on supervised probation.

Defendant was arrested by the Martin Police Department (“MPD”) on June 4, 2025, for possession of a Schedule II controlled substance—methamphetamine—with intent to manufacture, deliver or sell in violation of Tennessee Code Annotated section 39-17-417(a)(4). A probation violation report was filed indicating Defendant had a “New Felony Arrest/Charge.”

The trial court held a joint probation revocation hearing and bond hearing on the new charge on October 27, 2025. The State called MPD Officer Aaron Carter to testify. Officer Carter received a call on June 4, 2025 for a suspected break-in at lot number 10 [at a mobile home park] on Old Fulton Road, “behind Huck’s.” Officer Carter noted this was the second call to lot number 10 due to a suspected break-in. Initially, Defendant attempted to break in earlier that evening, left, and then went back to lot 10 later in the night. When Officer Carter arrived on the scene in response to the second call, Defendant was “standing in the road.” Defendant approached the passenger side of the patrol car and began having a conversation with Officer Carter. Officer Carter confirmed there was “nothing on the ground” when he first arrived at the scene. As he was questioning Defendant, he “saw movement on [Defendant’s] right side of his body.” He then noticed “a clear bag fall from the sky.” Officer Carter subsequently detained Defendant because Defendant was “messing around in his pockets” and “[has] been known to carry a gun.” He then observed a package on the ground and another package on the back of the right tire of a vehicle.

Officer Carter testified the first large package had seventeen individually packed containers. A field test confirmed that sixteen of those containers were filled with methamphetamine. The remaining container had “two hydros.” The second large

package contained “more than ten” individually packed containers, and a field test confirmed these containers were also filled with methamphetamine.

On cross-examination, Officer Carter confirmed Defendant made no incriminating statements. Officer Carter did not see Defendant “actually throw” the packages. The conversation between Officer Carter and Defendant occurred in a public area – in the street in front of the trailer. There were no guns, scales, money, or a phone seized at the scene. Defendant objected to the reliability of the field tests and was overruled.

The State argued the drugs “have been taken to the lab,” and that Defendant was on probation for less than two months when he received these new charges.

At this point, Defendant renewed his objection regarding the reliability of the field tests and the official TBI lab report. He argued Tennessee Code Annotated section 40-35-311(c)(1) required additional proof accompanying the lab report for the report to be admitted as reliable hearsay. Defendant’s counsel argued that the statute works “by analogy” in this case because “there’s simply no proof that there are any drugs and therefore no proof that my client did anything illegal.” The State countered that it did not attempt to enter the lab report into evidence and relied on the field test to meet the preponderance of evidence standard. The State also noted that Officer Carter, who had nineteen years of experience in law enforcement, confirmed the field test results and testified that the substance was sent to the TBI lab.

The trial court confirmed that the State had the official TBI lab report and ordered the probation violation “open” because “[t]he lab report as provided is not admissible.” The trial court mentioned that an accompanying affidavit pursuant to Tennessee Code Annotated section 40-35-311(c)(1) would make the report admissible and continued the violation hearing to December 8, 2025.

Upon reconvening on December 8, the State advised the trial court that Tennessee Code Annotated section 40-35-311(c)(1) is not applicable in Defendant’s case because the statute governs lab reports for drug tests of a defendant’s person. Defendant argued that the statute is still applicable “by analogy. The trial court ruled that the TBI lab report was “reliable hearsay at this particular point.” During argument, the State asked for a full revocation of Defendant’s probation. Defendant did not make an argument.

The trial court findings were “I find that [Defendant] has violated his probation” and “It’ll be a full revocation.” The trial court revoked Defendant’s probation in full and ordered him to serve the remainder of his sentence in confinement. Defendant filed a timely notice of appeal.

Probation Violation Warrant

In his brief, Defendant challenges the validity of the probation violation warrant because the affidavit was originally signed by a notary and only later by a judge. Defendant waived this issue at oral argument. We, therefore, decline to address it further here.

Admission of TBI Report

Defendant next argues that the trial court improperly admitted the TBI lab report without making the appropriate findings. The State contends that Defendant waived his hearsay challenge, and in the alternative, argues any error in admitting in the TBI lab report was harmless. We agree with Defendant that the TBI lab report was improperly admitted but determine such error was harmless.

We consider as a threshold matter whether Defendant waived his argument that the TBI lab report was improperly admitted hearsay. To preserve an issue for appellate review, a party must assert a timely objection in the trial court that identifies the specific ground for relief. *State v. Ruiz*, 716 S.W.3d 439, 453 (Tenn. Crim. App. 2024). The State contends because Defendant conflated a hearsay issue with sufficiency of the evidence, he waived his claim regarding the TBI report's admission. The State is incorrect. In this case, Defendant raised his objection with the TBI lab report's "reliability" at both the initial hearing and the subsequent hearing. During the initial hearing, the trial court and Defendant discussed whether the court may consider reliable hearsay at a probation hearing. The trial court also understood Defendant's objection to be one based on hearsay and ruled in the subsequent hearing that the report was "reliable hearsay at this particular point."

Defendant in his brief initially presents the issue as a sufficiency concern, falling below the preponderance of evidence standard. Defendant's brief, however, focuses primarily on the trial court's admission of the TBI report as reliable hearsay without making the proper findings. Because Defendant made a contemporaneous objection to this issue at the probation revocation hearing, and properly argued the same issue in his brief, it is not waived. *See* Tenn. R. App. P. 36(a); *cf. State v. Jordan*, 325 S.W.3d 1, 58 (Tenn. 2010) ("Additionally, defense counsel's failure to object contemporaneously will constitute a waiver of the issue on appeal.").

We next consider the merits. The Confrontation Clause affords criminal defendants "the right . . . to be confronted with the witnesses against him." U.S. Const. amend. VI. Our state constitution similarly affirms this right. Tenn. Const. art. I, § 9 ("That in all criminal prosecutions, the accused hath the right to . . . meet the witnesses

face to face.”). “The Clause’s prohibition ‘applies only to testimonial hearsay.’” *Smith v. Arizona*, 602 U.S. 779, 784 (2024) (quoting *Davis v. Washington*, 547 U.S. 813, 823 (2006)). A probationer, however, has a limited liberty interest and is thus not afforded “‘the full panoply of rights due a defendant’ in criminal prosecutions.” *State v. Wade*, 863 S.W.2d 406, 408 (Tenn. 1993) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 480 (1972)). Under a “conditional right to confront and cross-examine witnesses,” testimonial hearsay is precluded from admission “unless two requirements are met: 1) a finding of ‘good cause’ that would justify the denial of the defendant’s right to confront and cross-examine an adverse witness, and 2) a showing that the ‘evidence’ established that the hearsay ‘was reliable.’” *State v. Otten*, 721 S.W.3d 14, 19 (Tenn. Crim. App. 2025) (quoting *Wade*, 863 S.W.2d at 409).

“Good cause is not a precise standard, and there is no bright-line rule for determining whether good cause exists.” *State v. Dotson*, No. M2023-00430-CCA-R3-CD, 2024 WL 3027295, at *6 (Tenn. Crim. App. June 17, 2024), *perm. app. denied* (Tenn. Nov. 14, 2024) (citing *Miller v. Tenn. Bd. of Paroles*, No. 01A01-9806-CH-00293, 1999 WL 43263, at *5 (Tenn. Ct. App. Feb. 1, 1999)). A trial court’s determination of whether good cause is met is fact dependent. *See, e.g., Otten*, 721 S.W.3d at 20 (finding good cause existed when the declarant was experiencing “ongoing medical concerns”).

Due process also requires a finding that the hearsay evidence is reliable. *Wade*, 863 S.W.2d at 408. Because probation revocations are a “search for the truth,” the trial court must be satisfied that such evidence is “by its very nature, inherently reliable and the type of information commonly relied upon by reasonably prudent persons,” or that the evidence “has already been subject to the same sort of adversarial questioning as live, in-person testimony.” *Miller*, 1999 WL 43263, at *5-6.

Notably, the State in this case did not attempt to introduce the official TBI lab report at the original hearing. It was only after Defendant challenged the veracity of the *field test* that trial court ordered a continuance for the State to obtain a corresponding affidavit for the lab report. Upon reconvening on December 8, 2025, the State correctly noted that Tennessee Code Annotated section 40-35-311(c) applies to the drug test of the *probationer*, and not a lab report of the drugs found in packaging outside of the probationer’s body. *State v. Gribbins*, No. M2005-01992-CCA-R3CD, 2006 WL 1916811, at *4 (Tenn. Crim. App. June 14, 2006) (concluding that section 40-35-311(c) was inapplicable when “the report in question was the TBI crime lab’s determination of what a substance found in [] Defendant’s house proved to be.”), *no perm. app. filed*.

After the State did not obtain an affidavit, the trial court determined that the TBI lab report was “reliable hearsay at this particular point. . . [s]o that’ll be my finding.”

This was the entirety of the trial court's ruling, which is insufficient to satisfy the good cause requirement. *See State v. Rice*, No. M2024-01219-CCA-R3-CD, 2025 WL 2049030, at *7 (Tenn. Crim. App. July 22, 2025) ("The trial court not only failed to make a specific good cause finding, but it also failed to acknowledge the good cause requirement."), *no perm. app. filed*. Nor does the trial court make an explicit finding, beyond merely stating such as fact, regarding the reliability of the TBI lab report. *Gribbins*, 2006 WL 1916811, at *5 ("[T]he trial court made absolutely no finding of 'good cause' [or reliability] . . . Rather, the trial court simply noted the lab report was 'reliable hearsay' and denied the Defendant his right to confront and cross-examine this adverse witness.").

We, therefore, conclude that Defendant's confrontation rights were violated when the trial court admitted the TBI lab report. After reviewing the entirety of the record, however, we find that such error was harmless beyond a reasonable doubt. *See* Tenn. R. App. P. 36(b); *c.f. State v. Parker*, 350 S.W.3d 883, 902 (Tenn 2011). When a constitutional error is committed, "it is the State's burden to demonstrate that the error was harmless beyond a reasonable doubt." *State v. Vaughan*, 144 S.W.3d 391, 413 (Tenn. 2003). Put another way, the constitution error must not have "contribut[ed] to the verdict obtained." *Chapman v. California*, 386 U.S. 18, 24 (1967). This Court has previously held that, when "[a]n alternate ground exists for revocation of the Appellant's sentence", the admission of hearsay evidence which violated a Defendant's confrontation rights is harmless beyond a reasonable doubt. *State v. Watson*, No. M200301814CCAR3CD, 2004 WL 1562553, at *4 (Tenn. Crim. App. July 13, 2004), *perm. app. denied*; *See, e.g., State v. Miller*, No. M202300138CCAR3CD, 2023 WL 7126615, at *6 (Tenn. Crim. App. Oct. 30, 2023) (the trial court's denial of Defendant's confrontation rights was harmless beyond a reasonable doubt because "there is sufficient evidence to prove . . . even without consideration of the TBI report" the Defendant violated his probation), *no perm. app. filed*.

The record here presents additional evidence, beyond the inadmissible TBI lab report, of Defendant's probation violation. Officer Carter testified there were no packages on the ground when he approached Defendant and at some point during their conversation, he observed Defendant make a movement with his arm, and shortly later, noticed a package on the ground. Upon detaining the Defendant, Officer Carter observed a second package on top of the back right tire of a vehicle. The field tests on both packages produced a positive result for methamphetamine. The admission of this additional proof is sufficient to demonstrate that Defendant more likely than not possessed methamphetamine, violating the terms and conditions of his probation by a preponderance of the evidence. T.C.A. § 40-35-310, -311. We thus conclude that the outcome of Defendant's probation revocation hearing would not have been different had the hearsay evidence been excluded. Defendant is not entitled to relief on this issue.

Revocation Hearing

Defendant asserts the trial court failed to follow the second step of *Dagnan* in determining that Defendant's probation should be revoked in full. The State admits the trial court failed to sufficiently articulate its reasoning according to *Dagnan* and asks this Court to conduct a de novo review.

A trial court must engage in a "two-step consideration" when determining whether to revoke a defendant's probation. *Dagnan*, 641 S.W.3d at 757. The first step is to determine whether the defendant has violated a condition of probation, and the second step is to determine the appropriate consequence of that violation. *Id.* We review both determinations for abuse of discretion with a presumption of reasonableness "so long as the trial court places sufficient findings and the reasons for its decisions as to the revocation and the consequences on the record." *Id.* at 759. Generally, discretion is abused when the trial court applies "incorrect legal standards, reaches an illogical conclusion, bases its ruling on a clearly erroneous assessment of the proof, or applies reasoning that causes an injustice to the complaining party." *Id.* at 758 (quoting *State v. Phelps*, 329 S.W.3d 436, 443 (Tenn. 2010)). Where the trial court failed to make sufficient findings or provide its reasoning for its decision under either step, appellate courts may conduct a de novo review if the record is sufficiently developed, or it may remand the case for the trial court to make the necessary findings. *Id.* at 759 (citing *State v. King*, 432 S.W.3d 316, 327-28 (Tenn. 2014)).

Here, as aforementioned, the trial court had sufficient evidence to conclude by a preponderance of the evidence that Defendant violated his probation by possessing methamphetamine. "The evidence need only show the trial judge has exercised conscientious judgment in making the decision [in a probation revocation hearing] rather than acting arbitrarily." *Stamps v. State*, 614 S.W.2d 71, 73 (Tenn. Crim. App. 1980). We only need then to consider the trial court's determination of the second step regarding the appropriate consequence for the violation.

To determine the appropriate consequence for a violation, the trial court examines whether the beneficial aspects of probation are being served and whether the defendant is amenable to continued probation. *State v. Robinson*, No. M2022-00248-CCA-R3-CD, 2022 WL 17335656, at *4 (Tenn. Crim. App. Nov. 30, 2022), *perm. app. denied* (Tenn. Feb. 8, 2023). The trial court may consider several factors, including the number of previous revocations, the seriousness of the violation, the defendant's criminal history, the defendant's character, and the defendant's amenability to correction. *See Dagnan*, 641 S.W.3d at 759 n.5. "Factors important to a defendant's amenability to correction may include the defendant's acceptance of responsibility and genuine remorse, as well as

whether the defendant will comply with orders from the court meant to ensure his or her effective rehabilitation.” *Rand*, 696 S.W.3d at 106 (citing T.C.A. § 40-35-102(3)(C) and *State v. Owens*, No. E2021-00814-CCA-R3-CD, 2022 WL 2387763, at *5 (Tenn. Crim. App. July 1, 2022), *no perm. app. filed*)).

Importantly, a trial court’s consequence findings need not be “particularly lengthy or detailed but only sufficient for the appellate court to conduct a meaningful review of the revocation decision.” *Dagnan*, 641 S.W.3d at 759 (citing *State v. Bise*, 380 S.W.3d 682, 705-06 (Tenn. 2012)). When, however, a trial court merely establishes a probation violation occurred and offers no additional findings, the second step of *Dagnan* fails. *Id.* at 758 (“Simply recognizing that sufficient evidence existed to find that a violation occurred does not satisfy [a trial court’s] burden.”); see *State v. Koontz*, ___ S.W.3d ___, ___, 2026 WL 1741395 at *3 (Tenn. Crim. App.) (“[S]ome articulation of the basis for the sanction is required before appellate courts may defer to the trial court’s discretion.”); see, e.g., *State v. Martin*, No. M2024-00876-CCA-R3-CD, 2025 WL 574301, at *4, (Tenn. Crim. App. Feb. 21, 2025) (When a trial court fails to make the required findings of fact in a probation revocation hearing, this Court is “constrained to remand for the trial court to place on the record its reasoning for the consequence imposed.”), *no perm. app. filed*.

In this case, the totality of the trial court’s findings was the following statements: “I find that he’s violated his probation” and “it’ll be a full revocation.” This is simply insufficient for this Court to conduct a meaningful review. The State asserts that the record itself supports a de novo review; however, the only evidence the State offers is its concern that Defendant violated his probation shortly after his suspended sentence was enacted. There was no testimony from a probation officer, nor was any testimony regarding Defendant’s “supervision history, risk level, prior compliance or noncompliance, or any rehabilitative or supervisory efforts attempted during the probationary period.” *Koontz*, ___ S.W.3d at ___, 2026 WL 1741395 at *4.

After review, we conclude the record presents no additional explanation as to why the trial court chose a full revocation in its consequence determination that would permit this Court to conduct a de novo review.

CONCLUSION

For the aforementioned reasons, we affirm the trial court’s determination that the Defendant violated his probation. The trial court failed to make sufficient findings in determining the consequences of Defendant’s violation and the record lacks sufficient findings for this court to conduct a meaningful de novo review of the same. We, therefore, vacate the orders revoking Defendant’s suspended sentence, and remand this

case to the trial court. On remand, the trial court shall place its specific findings on the record regarding the appropriate consequence.

S/Timothy L. Easter

TIMOTHY L. EASTER, JUDGE